

REMARKS

The Office Action dated November 3, 2006, has been received and carefully noted. The above amendments and the following remarks are submitted as a full and complete response thereto. By this Amendment, claim 8 has been amended to correct a minor informality. No new matter has been added. Claims 1-15 are pending and respectfully submitted for consideration.

Allowable Subject Matter

The Applicants wish to thank the Examiner for indicating allowable subject matter in claims 3-5 and 6/3-5. Claim 3-5 and 6/3-5 were not rewritten in independent form as they depend from claim 1, which is allowable for the reasons submitted below.

Rejections Under 35 U.S.C. § 102

Claims 1, 6/1-8, 10-12, 13-15/8 and 13-15/10 were rejected under 35 U.S.C. § 102(e) as being anticipated by Furuta et al. (U.S. Patent No. 6,218,929 B1, "Furuta"). Claims 6/1-2 depend from claim 1; claims 10-15, 13-15/8 and 13-15/10 depend from claim 8. As a preliminary matter, the Applicants note that the rejection of claims 6/1-8 is improper because claim 6 does not depend from claims 6-8. The Applicants respectfully request withdrawal of this rejection. The Applicants traverse the rejection and respectfully submit that claims 1, 6/1-2, 10-12, 13-15/8 and 13-15/10 recite subject matter that is neither disclosed nor suggested by Furuta. Claims 6/1 depend from claim 1 and claims 10-15 depend from claim 8.

Furuta discloses a vehicular entry control system in which a code signal transmitter of a card carried by a driver modulates using a card-specific code, a signal received from a transmitter/receiver of a control unit mounted in a vehicle and transmits

the modulated signal to the control unit in return. The transmitter/receiver demodulates the modulated signal. A microcomputer automatically unlocks the vehicle door when the demodulated signal is correct, indicating that the card is carried into a demodulating area. The microcomputer locks the door upon a driver's manual operation on a locking switch of the card. The microcomputer prohibits the automatic unlocking as long as the card is within the demodulating area after the door is locked in response to the manual operation by the driver. See the Abstract of Furuta.

With respect to claims 1, 7 and 8, the Applicants respectfully submit that Furuta fails to disclose or suggest the claimed features of the invention. Claim 7 recites, in part, a transmitter for sending a request signal within the vehicle compartment; a receiver for receiving the response signal sent from a portable unit which receives the request signal; and a determining means which determines whether or not the portable unit exists within the vehicle compartment based on whether or not the response signal is detected.

The Office Action asserts the position that Furuta discloses "determining means (207) (i.e. a microcomputer) which determines whether or not the portable unit (1) exists within the vehicle compartment (i.e. the interior area) based on whether or not the response signal is detected (column 5 lines 36 to 38)". In particular, the Office Action states the position that the microcomputer 207 is comparable to the determining means and that the card 1 is comparable to the claimed portable unit. The Applicants respectfully submit that Furuta actually discloses a microcomputer 207 that merely certifies the ID code at step S6 in the same manner as in step S10. In step S10, the microcomputer determines whether the ID of the card 1 coincides with the code that is

specifically assigned to each vehicle and stored in the microcomputer 207. See column 4, lines 44-47 of Furuta. The Applicants respectfully submit that there is no disclosure or suggestion in Furuta that the microcomputer 207 determines whether or not the card 1 exists within the vehicle compartment nor whether the card 1 exists within the vehicle compartment based on whether or not the response signal is detected. Rather, the microcomputer 207 merely certifies the ID of the card 1 and that the card 1 coincides with the code assigned to the vehicle. As such, Furuta fails to disclose or suggest the features of the invention as recited in claim 7.

Claim 1 recites a wireless portable unit for sending a response signal in response to the request signal and a controller for outputting a locking signal based on a detection result of the position detector and a position detector for detecting the position of the portable unit depending on whether or not the response signal received by the vehicle side receiver coincides with ID information stored in the vehicle. Claim 1 further recites an all-door closing detector which detects that all the doors of the vehicle are closed after a condition that at least one door is open and generates an all-door closing detecting signal. If it is detected that the portable unit exists within the vehicle compartment by the position detector, the controller prohibits an output of the locking signal.

The Office Action asserts the position that the holding case 3 in Furuta is comparable to the position detector, that the card 1 is comparable to the claimed portable unit and that the transmitter/receiver circuit 203 is comparable to the claimed vehicle side receiver. See page 4, lines 3-6 of the Office Action. The Applicants respectfully submit, however, that Furuta fails to disclose or suggest that the holding

case 3 detects the position of the card 1 depending on whether or not a response signal received by the transmitter receiver 203 coincides with the ID code of the vehicle. In particular, there is no disclosure or suggestion in Furuta that the holding case 3 detects the position of the card 1 if the response signal received by the transmitter/receiver does not coincide with the ID code of the vehicle. As such, Furuta fails to disclose or suggest at least this feature of the invention as recited in claim 1.

In addition, there is no disclosure or suggestion in Furuta of an all-door closing detector as recited in claim 1. The Office Action states that the element 211 in Furuta is comparable to an all-door closing detector. However, the Applicants respectfully submit that Furuta merely discloses that element 211 is a door locking switch for detecting, locking and unlocking of the door. There is no disclosure or suggestion in Furuta that the door locking switch 211 detects that all the doors of the vehicle are closed after a condition that at least one door is open and generates an all-door closing detecting signal. In Furuta, a courtesy switch 210 merely detects the opening and closing of a single door. There is no disclosure or suggestion in Furuta that all the doors of the vehicle are detected when at least one door has been opened, and then closed, as recited in claim 1.

Also, with respect to the all-door closing detector recited in claim 1, the Office Action also asserts the position that Furuta discloses "if it is detected that the portable unit (1) exists within the vehicle compartment by the position detector (3), the controller prohibits an output of the locking signal (column 6 lines 48-57)". See page 4, lines 16-18 of the Office Action. However, there is no disclosure or suggestion in column 6, lines 48-57 of Furuta that a controller prohibits an output of the locking signal. Column 6,

lines 48-57 merely discloses that although the door locking may be affected only by the activation of the door locking switch 106, the door is preferably locked automatically when the driver leaves away out of the demodulating area of the control unit. Furuta further discloses that the door unlocking may be prohibited as long as the card 1 is in the demodulating area from the vehicle so that the automatic unlocking and the locking by the manual switch operation may not collide. As such, the Applicants respectfully submit that there is no disclosure that any controller, such as the microcomputer asserted by the Office Action, prohibits an output of the locking signal. As such, Furuta fails to disclose or suggest at least the features of the invention as recited in claim 1.

Claim 8 recites a closing timing detector for detecting that the opening/closing body has just closed. The Office Action asserts the position that Furuta discloses this feature of the invention in column 6, lines 10-24 and in Figure 4. See page 5, lines 1-4 of the Office Action. In contrast, Furuta merely discloses that a microcomputer 207 determines whether a predetermined time period, for instance, 30 seconds, has elapsed after the automatic door locking operation. With the NO determination (less than 30 seconds), the microcomputer 207 determines whether the door is open. If NO, the microcomputer continues to check unless the door actually opens. If the door has been closed for more than 30 seconds, the microcomputer assumes that the driver has no intention to enter the vehicle and produces a door locking command to effect automatically locking of the door once unlocked. See page 5, lines 10-23 of Furuta.

As such, there is no disclosure or suggestion in Furuta of determining whether the door has just closed, and relating the closing to a time period. As such, Furuta fails

to disclose or suggest at least a closing timing detector for detecting that the opening/closing body has just closed, as recited in claim 8.

According to U.S. patent practice, a reference must teach every element of a claim in order to properly anticipate the claim under 35 U.S.C. §102. In addition, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628,631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “Every element of the claimed invention must be arranged as in the claim. . . . [t]he identical invention must be shown in as complete detail as is contained in the patent claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989) (emphasis added). The Applicants respectfully submit that Furuta does not disclose or suggest the features of the invention as arranged in claims 1, 7 and 8. Accordingly, Furuta does not anticipate claims 1, 7 and 8, nor are claims 1, 7 and 8 obvious in view of Furuta. As such, the Applicants submit that claims 1, 7 and 8 are allowable over Furuta.

Claims 6/1-2 depend from claim 1 and claims 10-15 depend from claim 8, and are allowable for at least the same reasons.

Rejection Under 35 U.S.C. § 103

Claims 2, 6/2, 9 and 11-15/9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Furuta in view of Onuma et al. (U.S. Patent No. 6,798,337 B2, “Onuma”). Furuta was cited for disclosing many of the claimed elements of the invention with the exception of the vehicle side transmitter sending the request signal to a predetermined zone within the vehicle compartment at a predetermined zone around

the vehicle alternately and repeatedly multiple times. Onuma was cited for curing this deficiency. Claims 2 and 6/2 depend from claim 1, claim 9 depends from claim 8 and claims 11-15 also depend from claim 8. The Applicants traverse the rejection and respectfully submit that claims 2, 6/2, 9 and 11-15/9 recite subject matter that is neither disclosed nor suggested by the cited references.

Onuma discloses a vehicular electronic key system including an on-vehicle apparatus which is communicable with an electronic key when the electronic key is in a predetermined area outside of a vehicle. The on-vehicle apparatus generates alarm when a door lock operation is executed from the outside of the vehicle and when the on-vehicle apparatus is not capable of communicating with the electronic key. Further, on-vehicle apparatus generates alarm when a key ID does not corresponds with an apparatus ID. See the Abstract of Onuma.

The Applicants respectfully submit that Onuma fails to cure the deficiencies in claims 1 and 8 from which claims 2, 6/2 and 11-15/9 depend. In particular, Onuma does not disclose or suggest a position detector for detecting the position of the portable unit depending on whether or not the response signal received by the vehicle side receiver coincides with the ID information stored in the vehicle. In contrast, Onuma discloses:

an on-vehicle apparatus 1 executes to communicate with electronic key 20 and checks whether electronic key 20 is mislaid in the vehicle compartment or not. When on-vehicle apparatus 1 cannot communicate with the electronic key 20 or when the key ID does not correspond with the apparatus ID though the on-vehicle apparatus 1 can communicate with the electronic key 20, the on-vehicle apparatus decides that the driver has mislaid electronic key 20 in the vehicle and unlocks the doors and warns the driver that the electronic key 20 has been mislaid in the vehicle.

See column 7, lines 40-51 of Onuma.

Further, Onuma does not disclose or suggest an all-door closing detector which detects that all the doors to the vehicle are closed after a condition that at least one door is open and generates an all-door closing detecting signal, as recited in claim 1. As the combination of Furuta and Onuma does not disclose or suggest the features of the invention as recited in claims 1 and 8, the references also do not disclose or suggest the features of the invention as recited in dependent claims 2, 6/2, 9 and 11-15/9.

In view of the above, the Applicants respectfully submit that the Office Action has failed to establish a *prima facie* case of obviousness for purposes of a rejection of claims 2, 6/2, 9 and 11-15/9 under 35 U.S.C. §103.

Conclusion

The Applicants respectfully submit that claims 1, 7 and 8 are allowable. Claims 6/1 and 2 depend from claim 1 and claims 9-15 depend from claim 8. The Applicants further submit that each of these claims incorporate the patentable aspects thereof, and are therefore allowable for at least the same reasons as discussed above. Accordingly, the Applicants respectfully request withdrawal of the rejections, allowance of claims 1-15 and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 108113-00001.**

Respectfully submitted,



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